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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Aaron Schock for Congress

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MUR 5964

**RESPONSE OF AARON SCHOCK FOR CONGRESS,
RACHEL HONEGGER AS TREASURER TO COMPLAINT**

By and through the undersigned counsel, Schock for Congress, Rachel Honegger as treasurer (hereinafter "Respondents"), hereby respond to the complaint in the above-captioned Matter Under Review. Because the complaint lacks merit, Respondent hereby respectfully requests that the complaint be dismissed.

I. BACKGROUND

Aaron Schock is a Republican member of the Illinois House of Representatives who represents the 92nd district of Illinois. He is currently the Republican nominee for the United States Congress for the 18th congressional district in Illinois to replace the retiring incumbent Republican Congressman, Ray LaHood. The complainant, Michael R. Sneed, is the precinct committeeman for the Sangamon County Illinois Republican Party, and is a public supporter of Mr. Schock's primary opponent.

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II. ANALYSIS

The complainant's central allegation concerns the use of the same or similar video footage in both old state campaign ads as well as current federal campaign ads. The complainant, without more, declares that this is a violation because the Commission's Information Division purportedly told him so.

In reality, the complaint is focused on a very small amount of footage. What the complainant fails to acknowledge is that the federal campaign paid fair market value for the use of that footage. Under the contract between the state campaign and its media consultant, the media consultant retained ownership of "[a]ll art work, media materials, scripts, tapes, commercials, and other creative products" (contract attached hereto). Thus, the federal campaign paid to the consultant fair market value for use of the footage. Specifically, the federal campaign paid \$750.00 to produce the DVDs, which included use of the footage and the duplication of the DVDs (invoice attached hereto). This is the usual and normal charge for such activity.¹

This payment was made in reliance upon past Commission action. For example, in AO 1992-19 (Kriedler for Congress Committee), the Commission permitted a federal campaign committee to utilize computer systems previously used by that candidate's state campaign fund so long as they were leased by the state fund to the federal campaign at a "fair market rate." The Commission determined that as long as "the current arrangement between the Committee and the state fund reflects the usual and normal charges, it would not appear to be a contribution to the Committee." The Commission

¹ In fact, this sort of activity is quite common. For example, soon after BCRA took effect, in the first Federal election post-BCRA, a Democrat candidate for the U.S. House used footage obtained from his previous gubernatorial campaign in ads for federal office. This was perfectly permissible, as the Democrat's federal campaign paid for the footage. This election was also noteworthy, as it resulted in AO 2004-01.

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permitted this transaction because Kriedler maintained that the federal campaign committee was not receiving a contribution from the state fund by being charged a reduced rate for the computer system.

The current situation is the same in all material respects as the one presented in AO 1992-19. The federal campaign paid the fair market rate, consistent with the usual and normal charge for such use. Thus, contrary to the accusations contained in the complaint, no violation occurred.

III. CONCLUSION

The complaint lacks merit because the complainant is unable to cite to facts indicating that Schock for Congress has violated the Act with respect to its use of footage. Schock for Congress has acted in accordance with the Act and Commission regulations and advisory opinions. Accordingly, Respondents respectfully request that the complaint be dismissed.

Respectfully submitted,



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